

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00248 DAE
)	
Plaintiff,)	
)	DECLARATION OF COUNSEL
vs.)	
)	
SAMUEL KAAUWAI, III,)	
)	
Defendant.)	
)	
)	

DECLARATION OF COUNSEL

I, GLENN CHOY, hereby declare as follows:

1. Declarant is the court-appointed attorney for Defendant;

2. Defendant's sentencing is scheduled for October 16, 2006 at 1:30 p.m.;

3. Defendant is charged with being a felon in possession of a firearm; in the subject incident, an individual named Rayna Batara was found carrying a backpack containing a firearm which law enforcement personnel attributed to the constructive possession of Defendant;

4. Declarant has discussed the instant motion with Defendant, and states on information and belief that:

a. Defendant has given Declarant to believe that he believes he is innocent of the charged offense;

b. Defendant has given Declarant to believe that he feels that matters such as the concept of legal possession, the credibility and strength of prosecution witnesses, and Fourth Amendment issues have been inadequately explained to Defendant;

c. Defendant believes that, being uneducated

and unversed in reasoning on issues in his case, inadequate time and attention has been devoted by counsel to explaining pertinent matters to him;

d. Defendant believes that Declarant has provided ineffective assistance to him;

5. Declarant's view of matters above-raised differs from the apparent view of Defendant; Declarant and Defendant thus differ as to the basis to go forward and proceed to sentencing;

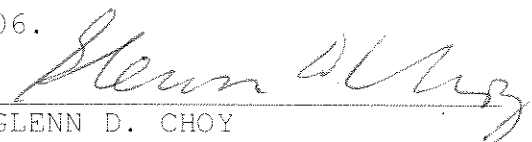
6. Said differences between Declarant and Defendant has caused fundamental difficulties in proceeding to sentencing;

7. Disagreements above-described appear intractable and amount to an irretrievable breakdown in the attorney-client relationship;

8. Wherefore, the granting of Declarant's withdrawal and appointment of substitute counsel is requested;

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

EXECUTED ON AUGUST 31, 2006.


GLENN D. CHOY